

The Transportation Commission (TC) Workshops were Wednesday, June 19, 2019 at the Colorado Department of Transportation Headquarters at 2829 W. Howard Place, Denver, CO 80204, and the regular meeting was Thursday, June 20, 2019 at the Embassy Suites in Loveland, Colorado. The Transportation Commission went on a road trip to visit Sterling via US 6 and I-76, to view 1) the “S-Curve” and then depart Sterling to Loveland to view SH 71 and continue to Loveland via SH 14 to I-25 to view SH 402.

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## Transportation Commission Workshops

**Wednesday, June 19, 2019**

**10:15 am – 11:00 am**

**Attendance:** Commissioners Shannon Gifford, Sidny Zink, Bill Thiebaut, Kathy Hall, Kathy Gilliland, Ed Peterson, Karen Stuart, and Kathy Connell

### **Right of Way Workshop (Josh Laipply)**

**Purpose:** The purpose of the workshop was to discuss ten right-of-way (ROW) acquisition projects (negotiations).

**Action:** Prepare to act on agreed upon 10 proposed right-of-way property acquisitions at the regular Transportation Commission (TC) meeting.

The ten projects with requests for authorization of property acquisitions that will be part of the consent agenda for at the regular TC meeting for June 2019 included:

- Region 1
  - ADA Curb Ramp Pilot – Colfax Avenue, Project Code: 22580
  - US 85 MP 198.3 to MP 200.47, Project Code: 21557
  - I-70 Central, Project Code: 19631
- Region 2
  - SH 12 Critical Scour, Project Code: 21591
- Region 3
  - US 550 Montrose Residency Phase 1 ADA Ramps, Project Code: 22795
- Region 4
  - I 25 North: SH 402 – SH 14, Project Code: 21506
  - I-76 & US 34 Resurfacing: Fort Morgan ADA Ramps, Project Code: 21850
  - I-25 and SH 119, Project Code: 23158
  - I-25 Express Lanes SH 7 to SH 1, Project Code: 22831
  - Longmont ADA Curb Ramps Phase 1, Project Code: 22771

### **Discussion:**

- Josh Laipply, CDOT Chief Engineer, and Kathy Young, General Counsel, invited TC members to make written comments that staff would compile for the record.
- Commissioner Thiebaut noted that, due to a 2019 legislative bill, the TC would not be dealing with acquisitions and settlements from now on, except for when settlements are substantially different from those anticipated. The TC's obligation to review and approve condemnation authorizations remains.

## Multimodal Options Fund Local Funds (David Krutsinger)

**Purpose:** The purpose of this workshop is to review the recommendation prior to a proposed consent agenda vote.

**Action:** Consent agenda vote on Thursday, June 20, 2019.

**Background:** SB 18-001 includes a provision that establishes a Multimodal Options Fund (MMOF). The MMOF has \$96.75 million in dedicated revenue. Of that \$96.75 million, \$2.5 million is dedicated to the Rail Commission. The remaining \$94.25 million is split between CDOT (15% or \$14.13 million) and local governments (85% or \$80.12 million).

The legislation mandates the distribution formula for the local portion be developed in consultation with the Transit and Rail Advisory Committee (TRAC), the Statewide Transportation Advisory Committee (STAC), transit advocacy organizations, and bicycle and pedestrian organizations. In addition to these groups, the legislation also states that the MMOF should promote a complete and integrated multimodal system that benefits seniors by making aging in place more feasible; benefits residents of rural areas by providing them with flexible public transportation services; provides enhanced mobility for persons with disabilities; and provides safe routes to school for children.

The legislation also states that recipients shall provide a match equal to the amount of the award. However, the TC may create a formula for reducing or exempting the match requirement for local governments or agencies due to their size or any other special circumstance. An advisory committee ("MMOF Committee") to the TC was formed to work on and develop such recommendations. CDOT will use its share of the funds and seek to incentivize partnership projects such as mobility hubs.

The MMOF Committee held three meetings and developed the following general recommendations.

- 5% off the top (or \$4 million of \$80.12 million) for administration, reporting, environmental/design reviews. To be adjusted later based on actual project selection.
- 81% of remaining \$76.12 million to the five urban areas (MPOs), 19% to the ten rural planning regions (TPRs).
- Two sub-allocation formulas, one urban, and the other rural, to each of the fifteen areas of the state, with particular population and employment factors relevant to urban and rural areas.
- Match "relief" or reduction to be decided at the fifteen regions (TPRs) of the state. CDOT provided data to support that decision-making.
- General expectation that minimum transit project size of \$25,000, and minimum capital project size of \$150,000 would be observed for project selections, with reasonable bundling of smaller projects encouraged to reach these minimums.

### ***Match Relief***

Most of the available data to analyze need, poverty vs. wealth, ability to pay, disadvantaged, and similar factors are available at the County level. While there are some truly poor & deserving Counties, the Committee for the Multimodal Option Fund discussion felt that many of the "need" and "ability to pay" distinctions might occur at the city/town level, and would be less likely compelling at the County Level. Further some of the "deserving counties" are clustered in single TPRs, which meant at the TPR level "need" and "ability to pay" could be rendered useless for making decisions within TPRs. Some "wealthy" counties would, similarly, be skewed by towns that are wealthy within them, while many other parts of such counties, if taken alone, might easily be as "deserving" as nearby counties. Fixing the inconsistencies and vagaries of the data could easily take many more months to resolve, which would, in turn, delay the distribution of the funds. Finally some TPRs/MPOs have already done a call for projects, anticipating these MMOF funds, so formulating the match relief decision appeared to be moot and irrelevant for about 50 percent of the dollars. Given all of these reasons, the MMOF Committee recommended that match relief be delegated to the TPR

decision makers themselves. The legal opinion from the Colorado Attorney General's office, however, was that the CDOT Transportation Commission may not delegate such a decision. The formula is therefore:

**Eligibility**

- Counties of 50,000 or smaller population (as of 2015), and poverty rate of 12% (median) or higher; or
- Cities/Towns of 20,000 or smaller population (as of 2015), and poverty rate of 12% (median) or higher; or
- A County or City/Town which meets the population threshold of either of the above, but not the poverty threshold, but can document other extraordinary circumstances (some other indicator of high need or highly disadvantaged population)

**Decision Approved by Transportation Commission**

Transportation Planning Region decisions which intend to award such match relief must also have the match relief decisions for those projects approved by the CDOT Transportation Commission.

**Discussion:**

- Commissioner Thiebaut commented that in general he liked the resolution of approval, although the resolution is not clear regarding procedures. However, he said the resolution should state that it is the intent of the Commission to use designated state funds along with local Multimodal Options Fund match dollars in support of construction of multimodal hubs across the state.
- David Krutsinger explained that the MPOs have weighed in on the match relief issue. Some MPOs have already awarded their share of Multimodal Options Fund money. Denver Regional Council of Government (DRCOG), for example, decided against match relief.
- Commissioner Thiebaut and Herman Stockinger, TC secretary, will work on the language together in time for adoption of the resolution at the regular TC meeting that occurred in Loveland.

**Matching Funds for SW Chief BUILD Grant (Randy Grauberger, Tim Kirby)**

**Purpose:** Finish the job to replace the old track, and maintain Amtrak Southwest Chief service in Colorado.

**Action:** Request approval for \$1 million in CDOT funds towards this grant, with nearly \$8 million in matching funds from other entities.

**Background:** The Better Utilizing Investments to Leverage Development, or BUILD Transportation Discretionary Grant program, provides a unique opportunity for the USDOT to invest in road, rail, transit and port projects that promise to achieve national objectives. Previously known as Transportation Investment Generating Economic Recovery, or TIGER discretionary grants, Congress has dedicated nearly \$7.1 billion for ten rounds of national infrastructure investments to fund projects that have a significant local or regional impact. This BUILD grant opportunity will be the 11th such opportunity. Colorado has participated with Kansas, New Mexico, Amtrak, and BNSF Railway to pursue funding opportunities to keep the Amtrak Southwest Chief Service in Colorado.

A group of more than 35 city, town, county, state, federal, and private partners has been successful in obtaining \$75.3 million of the \$100 million needed for capital costs. This BUILD grant, if successful, would finish the job. The City of Trinidad will lead and submit the BUILD grant.

**Discussion:**

- Commissioner Thiebaut and Kathy Young recalled that use of the TC Contingency Fund money to provide a previous \$1 million match violated the law at that time, because of the Attorney General's opinion that CDOT could not use Highway Users Trust Fund money for transit.
- Kathy Young explained that "transit funds", such as SB 267 funds proposed for this potential match, may be used as match money.

- Ann Rajewski of the Colorado Association of Transit Agencies (CASTA) said CASTA is supportive of passenger rail, but hopes that passenger rail will obtain its own source of funding in time. She noted that improving one mile of railroad track could go a long ways toward improving rural transit services.

## **Transportation Commission Regular Meeting**

**Thursday, June 20, 2019, 9:00 am – 10:30 am**

**10:15 am – 11:00 am**

**Audience Participation** – None.

**Call to Order, Roll Call:**

All Commissioners were present

**Comments of Individual Commissioners**

- Commissioner Steven Hofmeister expressed that it had been a pleasure to work with the TC members and staff. This meeting may be his last TC meeting. Commissioner Hofmeister also mentioned that it has been a pleasure to get to know the TC members, work with them, and argue with them. Also, to CDOT staff, he noted, it has been great working with them.
- Commissioner Ed Peterson commented that his may also be his last meeting. The last eight years have been incredible and went by too fast. This is a family, and this is like leaving your family. Thanks to the current and past Commissioners, the good discussions, collegiality, and dedication to provide citizens of the state the most reliable and resilient system we can buy with the money we have. The TC tries to be sure they are not just an administrative or policy body but an educational body as well. The level of traffic fatalities is unacceptable. Commissioner Peterson pledged to do whatever he can to encourage and promote safety.
- Commissioner Sydny Zink noted that she has attended meetings with individual counties at their county seats. That's a lot of travel but it is important. She explained that we want to listen to them and hear what they have to say, and understand what their priorities are. Ribbon cutting ceremonies for three projects have occurred, and these ceremonies that recognize what has been accomplished are important.
- Commissioner Kathy Hall commented that she is also participating at the county meetings. Also attended an Associated General Contractors (AGC) meeting. It is important to encourage our cities and counties to be active in the planning process.
- Commissioner Kathy Gilliland expressed that she would like to thank the Commissioners she has worked with over the last eight years. It has been one of best Commission/board gigs she has ever had. Commissioner Gilliland remembers so many important projects accomplished together. It is great to work with others with such a focus on providing the best possible transportation system. CDOT Staff has been outstanding. It has been great having people that work with you so the TC can make informed decisions. Kathy Young was thanked for her input. Region 4 – Heather Paddock and Johnny Olson were thanked for making this experience so good, and being such a great Region to be involved with. Region 4 has urban and rural areas and balancing that commitment has been strong and good. Vince Rogalski was thanked for his efforts with the STAC. John Cater of FHWA was recognized for being outstanding working with the TC. It is sad to go. Commissioner Gilliland requested that everyone keep up the good work.
- Commissioner Rocky Scott expressed his thanks to Heather Paddock, Johnny Olson, and Jennifer Uebelher in organizing the tour. It has been very enlightening. It was the best package put together he has seen to date. The meetings had passion and that's a good thing. It shows how much we all care. Themes raised at county meetings are pretty consistent - You know our needs, just get them done! There are lots of things we know we need to get done. Commissioners anticipated to be leaving the TC were thanked for their service.
- Commissioner Karen Stuart commented that Commissioner Gilliland and she attended a local meeting. Barbara Kirkmeyer noted that she appreciated CDOT coming out to hear Weld County representatives and listen to what is needed. It was great to attend those meetings. Heather Paddock and Johnny Olson were thanked and recognized for their contributions. Commissioner Stuart was so impressed with the

sense of pride of CDOT staff that they got to know the day before this TC regular meeting. Commissioner Stuart thanked the Commissioners who may be leaving. Commissioner Stuart also noted that she is the newest TC member, and thanked the other Commissioners.

- Commissioner Kathy Connell stated a ditto to everything that has been said. She expressed that she can't thank staff enough. Never felt better about the CDOT staff. Loved every second of it. Her car is about 112,000 miles and four windshields later after her years of service on the TC. Hopefully, her replacement will also be willing to drive rural Colorado forward. She is excited about where the Commission is going. We all recognize all of Colorado is important. Loved working with past and present Commissioners. Had a fun time and will miss everyone. So happy that the counties are now getting together and presenting their needs to us. So proud of the SH 9 project, with a 98% reduction in wildlife hits. So impressed with the locals raising the money. Commissioner Connell appreciated the Responsible Acceleration of Maintenance and Partnerships (RAMP) program and hopes to see the audit changes to reflect the value of the program.
- Commissioner Bill Thiebaut thanked Commissioners Hofmeister, Peterson, Connell, and Gilliland, for their service and for sharing their character with the other TC members. You are decent people above all. To Commissioner Scott and Hall, Commissioner Thiebaut expressed that he has confidence that they will be reappointed. He also thanked Johnny Olson for his service. In addition, staff was thanked and recognized for putting together such a great tour and helping him with things he needed.
- Commissioner Shannon Gifford explained that collectively, she admires how each of TC members leaving continue to engage with the issues that are facing us, right up to the end of their service. Commissioner Gifford will miss Johnny Olson. Region 4 still feels like Johnny's Region. Looking forward to the new leadership on the Commission, and happy and excited about how they plan to move forward and engage on the issues.

#### **Deputy Executive Director's Report (Johnny Olson)**

- For the last eight years, the Region 4 Commissioners have been awesome. Commissioner Steve Hofmeister represents his region so well and they love him for it. Commissioner Kathy Gilliland and Johnny have been in the trenches together. Commissioner Karen Stuart, knowing her for so long, Karen knows how much Johnny cares. Johnny thanked everyone for their support. Commissioner Shannon Gifford was thanked for her quiet strong leadership. Commissioner Ed Peterson, was thanked for his help with the building. This TC wants to make transportation better, and Colorado is better due to each one of them.

#### **Chief Engineer's Report (Josh Laipply)**

- Josh noted that yesterday there were some questions about cost per mile on TIGER projects, and he provided answers to yesterday's questions.
- Commissioner Kathy Gilliland asked about the status of the Union Pacific (UP) agreement.
- Josh responded that there is an updated purchase/sale agreement, and things are still looking positive and moving forward.
- For the US 550/US 160 project we have a shortlist now for contractors.
- Josh expressed his thank you to the Commissioners for helping him grow as a person compared to when he started the job.

#### **Federal Highway Administration (FHWA) Colorado Division Administrator's Report (John Cater, Division Administrator)**

- Women's Transportation Seminar (WTS) had their annual conference, and FHWA and CDOT presented. The discussion covered efforts to improve transportation with Intelligent Transportation Systems (ITS) and technology.
- Had an American for Disabilities Act (ADA) training course at FHWA CO HQ to help provide an understanding on the challenges people face when they have issues getting around. FHWA is planning to do an encore presentation this fall.
- Was at WASHTO Last week - one of our challenges we face is workforce and hiring the people we need to get projects completed. Reauthorization is coming up again in another 18 months, and FHWA is looking

for ways to improve the bill, such as tolling the interstates, and rest area privatization, along with the ability to reap revenue from them.

- Thanks to Jennifer Uebehler for organizing the tour- it is a very valuable thing to do. The retiring Commissioners have been fantastic. You are selected to represent a district, but you come to TC and really represent the state. Other states have a much more contentious process. So appreciative that you have chosen to be collaborative rather than parochial. John expressed his appreciation as a citizen of Colorado what the TC has done.
- Johnny Olson's work on the 2013 floods was so impressive. Johnny delivered \$700 million in projects. Other states are still struggling with how to deliver emergency funds. That's a credit to Johnny and what has been done with resilience in Colorado. Colorado is a lesson for the rest of the country.

#### **Statewide Transportation Advisory Committee (STAC) Report (STAC Chair, Vince Rogalski)**

- It is healthy to have disagreement, when personalities don't get involved. A healthy discussion makes the decisions better.
- At STAC, Johnny Olson presented on the initiative Whole System, Whole Safety.
- Other topics on the agenda included informational items pertaining to program distribution, BUILD Grants, and upcoming multimodal efforts.

#### **Act on Consent Agenda – Passed unanimously on June 20, 2019 (Commissioner Thiebaut abstaining a vote on the Region 2 ROW acquisition, due to potential conflict of interest)**

- a. Resolution to Approve the Regular Meeting Minutes of March 21, 2019 (Herman Stockinger)
- b. Resolution to Approve Devolution: I-25 Frontage Road Mead FY 20 (Karen Rowe)
- c. Resolution to Approve Memorial Designations passed by the General Assembly (Herman Stockinger)
- d. Resolution to Approve Multimodal Options Fund – Local Funds (David Krutsinger) - AMENDED
- e. Resolution to Approve Match for Southwest Chief BUILD Grant
- f. Resolution to Approve ROW Acquisition Requests (Josh Laippy)
- g. Resolution to Approve State Infrastructure Bank (SIB) Updated Loan Rates (Jeff Sudmeier)

#### **Discuss and Act on changes to 2 CCR 601-14 “Rules Regarding Travel Restrictions on State Highways” (Herman Stockinger) – Passed Unanimously on June 20, 2019**

The proposed changes are primarily the result of the Department's collaboration with the Colorado State Patrol, Department of Public Safety, Colorado Motor Carriers Association and the Colorado Wyoming Petroleum Marketers Association over the last two years to completely revise these rules and simplify the language to make them easier to understand to the travelling public. The key proposed change removed the codes used to communicate when chains or snow tires were required and replaced them with simpler language.

#### **Discuss and Act on 12th Budget Supplement of FY 2019 (Jeff Sudmeier) –Passed Unanimously on June 20, 2019**

- **Region 5 – \$1,287,887 – Transportation Commission Contingency Reserve – Project 23173 Emergency Rockfall Repair on SH 145 at milepost 21.3.**
- **Office of Innovative Mobility - \$500,000 – Transfer from RoadX to Innovative Mobility cost center** – The Office of Innovative Mobility is requesting a transfer of funds from the RoadX pool to its cost center. The funding will be used to hire a consultant or team of consultants to facilitate the requirements dictated by Colorado Senate Bill 19-239 (SB 19-239).

#### **Other Matters:**

- Report from the Nominating Committee- Selection for Transportation Commission Chair, Vice-Chair and Secretary for FY 2020 & Commission Vote to Approve Selections (Nominating Committee, Chairwoman Zink)
- Commissioner Thiebaut was selected and approved to serve as the Chair, Commissioner Scott was selected and approved to serve as Vice-Chair, with Herman Stockinger selected and approved to serve as Secretary.

**Recognitions:**

- Chair Gifford presented recognitions for Commissioners Gilliland, Connell, Peterson and Hofmeister
- Kathy Gilliland recognized Johnny Olson and his efforts working with counties that often conflicted. Johnny brought the groups together and onto one page. It would not have been possible to do all that was accomplished without Johnny bringing all the people together.
- Vice-Chair Commissioner Thiebaut recognized Chair Commissioner Gifford for her time as Chair. Commissioner Gifford has been capable, sensitive and intelligent, and Commissioner Thiebaut has learned from observing her at work. Commissioner Gifford has done a great job during both times of certainty and uncertainty over the past year. Commissioner Gifford has demonstrated she can handle it, and has shown courage at times when she didn't have to be courageous.